

Section II. (Remarks)

In the June 9, 2004 Office Action, the Examiner has imposed a restriction requirement against pending claims 24-28, 30-35, 39-40, and 84-141, as between:

Claims 24-28 and 33-35 (Group I) directed to a dual hollow fiber bioreactor system;
Claims 30-31 (Group II) directed to a cell culture system;
Claims 39-40 (Group III) directed to a closed culture system;
Claim 84 (Group IV) directed to a method of culturing cells;
Claims 85-114 and 133-135 (Group V) directed to a mass transfer system;
Claims 115-117 and 136-141 (Group VI) directed to a method of separation;
Claims 118-121 (Group VII) directed to a method of inactivating a pathogen;
Claim 122 (Group VIII) directed to a method of isolating a product;
Claims 123-126 (Group VIII) directed to a method of culturing cells;
Claims 127-128 (Group X) directed to a method of inactivating a pathogen;
Claims 129-132 (Group XI) directed to a method for viral reduction; and
Claim 32 (Group XII) directed to a method of culturing cells using plates.

In response to the Examiner's requirement under 35 USC § 121 to elect a single group for further prosecution on the merits, **applicant hereby elects Group V claims 85-114 and 133-135, with traverse.**

The traversal is based on the fact that the respective claims of the various groups are sufficiently closely related that restriction under § 121 is not appropriate, and no undue burden on the Examiner is presented by examination of all pending claims. All of the apparatus claims relate to mass transfer systems including tubular/membrane mass transfer components, and all of the method claims relate to mass transfer methods that can variously be carried out in such type of apparatus. **It is noted in this respect that the Examiner has not identified any disparate class/subclass categories, or any reasons supporting restriction under 35 USC § 121.** Restriction therefore is not appropriate.

Accordingly, it is requested that all claims 24-28, 30-35, 39-40, and 84-141 be retained in consolidated form for further examination and prosecution on the merits.

If the Examiner maintains his position that restriction is warranted, it is requested that a non-final restriction requirement be appropriately set forth, with supporting reasons, **since no reasons or basis for restriction have been set forth in the present Office Action.**

Consistent therewith, applicant reserves the right to address a properly supported restriction requirement, including the right to present amended claims that address any properly supported restriction requirement hereafter made of record by the Examiner, and the right to request rejoinder of claims under the provisions of MPEP § 821.04 as to any claims hereafter withdrawn and meeting the criteria for rejoinder upon identification of allowable subject matter in elected, non-withdrawn claims.

Respectfully submitted,



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